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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,196	01/14/2004	Mohinder Singh	CU-3535 BSE	3585
26530	7590	11/03/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8r

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/757,196	SINGH, MOHINDER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) 16-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1,5,10 and 12-30 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2006 has been entered.

### ***Response to Arguments***

2. The objections to the specification and Claims 1, 5, 10, and 12-15, and the rejections under 35 USC 112 have been withdrawn. With respect to the rejections under 35 USC 102(b), Applicant's arguments in the reply filed August 18, 2006 have been considered but are moot in view of the new grounds of rejection.

### ***Election/Restrictions***

3. Newly submitted Claims 16-30 are withdrawn from consideration as not falling within the elected Species A. No generic claims are allowable. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 5, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama (U.S. Patent No. 6,227,739) in view of U.S. Patent No. 5,829,976 to Green.
6. For Claim 1, Kageyama teaches an applicator for dispensing, having a generally cylindrical container, a reservoir for a liquid, a dispensing orifice, a plurality of bristles with a first end within the dispensing orifice and a second end outside the dispensing orifice and acting as a partial closure for the orifice, and a means for forcing fluid from the reservoir to the orifice, as described in the previous Office Action mailed June 12, 2006. Kageyama teaches the applicator being used for applying any of a variety of liquids (col. 1, lines 4-8, col. 3, lines 42-50). Kageyama teaches the applicator being easy to mold, assemble, and mass-produce (col. 2, lines 1-4 and 52-57, col. 3, lines 10-13). Kageyama does not expressly teach an anesthetic composition contained in the reservoir. However, anesthetic compositions are well known in the art, and applying anesthetic compositions from an applicator having a reservoir is also well known in the art. Green confirms this and teaches an anesthetic composition, as well as applying the anesthetic composition from an applicator having a reservoir (Figs. 1-4 and col. 4, lines 29-51). Green teaches the anesthetic composition being a liquid or a gel (col. 4, lines 49-51). It would have been obvious to one of ordinary skill in the art to modify the

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applicator of Kageyama to deliver a liquid or gel anesthetic composition, as taught by Green.

7. For Claims 14 and 15, Kageyama teaches an applicator for dispensing a liquid, having a generally cylindrical container with a reservoir, a dispensing orifice, a plurality of bristles with a first end within the dispensing orifice and a second end outside the dispensing orifice and acting as a partial closure for the orifice and acting as an applicator for the liquid in the reservoir, and a piston within the reservoir, as described in the prior Office Action mailed June 12, 2006. Kageyama teaches the liquid being dispensed from the dispensing orifice and into the bristles by movement of the piston (Figs. 1-2 and 5, col. 3, lines 50-61, col. 4, lines 11-63, and col. 5, lines 22-62).

Kageyama teaches the applicator being used for applying any of a variety of liquids (col. 1, lines 4-8, col. 3, lines 42-50). Kageyama teaches the applicator being easy to mold, assemble, and mass-produce (col. 2, lines 1-4 and 52-57, col. 3, lines 10-13).

Kageyama does not expressly teach the liquid in the reservoir being an anesthetic liquid. However, anesthetic compositions are well known in the art, and applying anesthetic compositions from an applicator having a reservoir is also well known in the art. Green confirms this and teaches an anesthetic composition, as well as applying the anesthetic composition from an applicator having a reservoir into a mouth (Figs. 1-4 and col. 4, lines 29-51). Green teaches the anesthetic composition being either a liquid or a gel (col. 4, lines 49-51). It would have been obvious to one of ordinary skill in the art to modify the applicator of Kageyama to deliver a liquid or gel anesthetic composition into the mouth, as taught by Green.

8. For Claim 5, Kageyama teaches the means for forcing fluid from the reservoir including a piston disposed at an end of the container opposite to the orifice, a piston rod connected to the piston and directed away from the reservoir, and a cylinder at an end of the container opposite to the bristles, which is rotatable to cause movement of the piston rod and piston towards the reservoir to force fluid therefrom (Figs. 1-2 and 5, col. 3, lines 50-61, col. 4, lines 11-63, and col. 5, lines 22-62).

9. For Claim 10, Kageyama teaches a cap covering the bristles (cap 36 and cover 38, Figs. 1 and 5 and col. 3, lines 62-67).

10. For Claim 12, Kageyama teaches the means for forcing fluid from the reservoir to the orifice including a piston within the reservoir (Figs. 1, 2, and 5, col. 3, lines 50-61, col. 4, lines 11-63, and col. 5, lines 22-62).

11. For Claim 13, Kageyama teaches the means for forcing fluid from the reservoir to the orifice including a piston and a threaded piston rod within the reservoir (Figs. 1, 2, and 5, col. 3, lines 50-61, col. 4, lines 11-63, and col. 5, lines 22-62).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on 6:30AM-3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig  
Examiner  
Art Unit 3761

PLC

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER



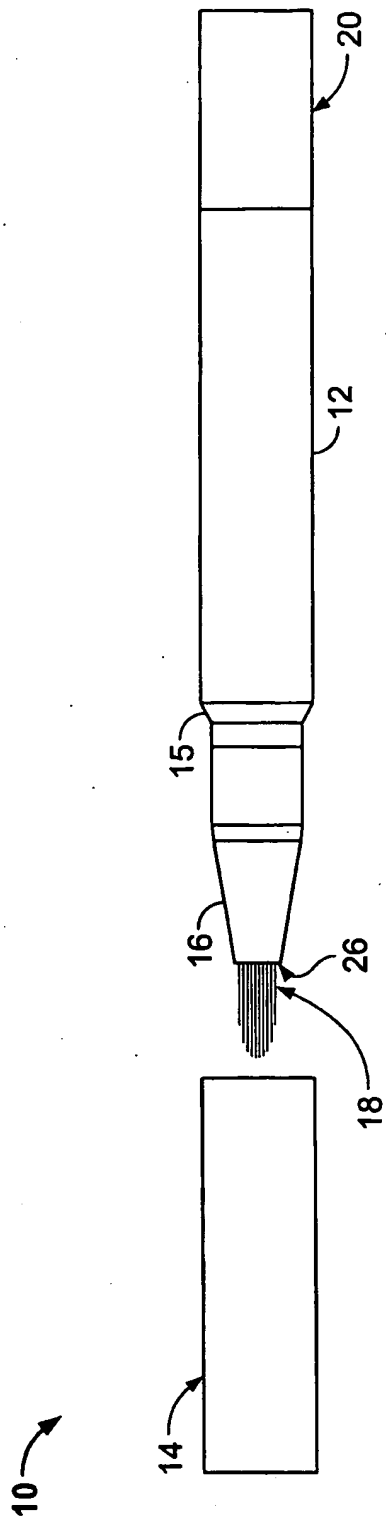


FIG. 1

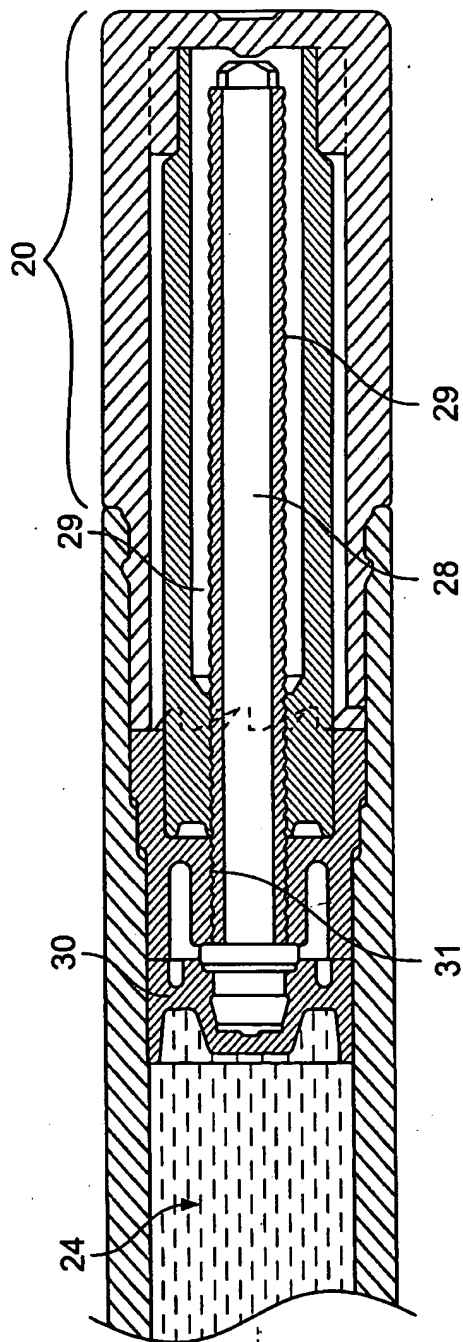
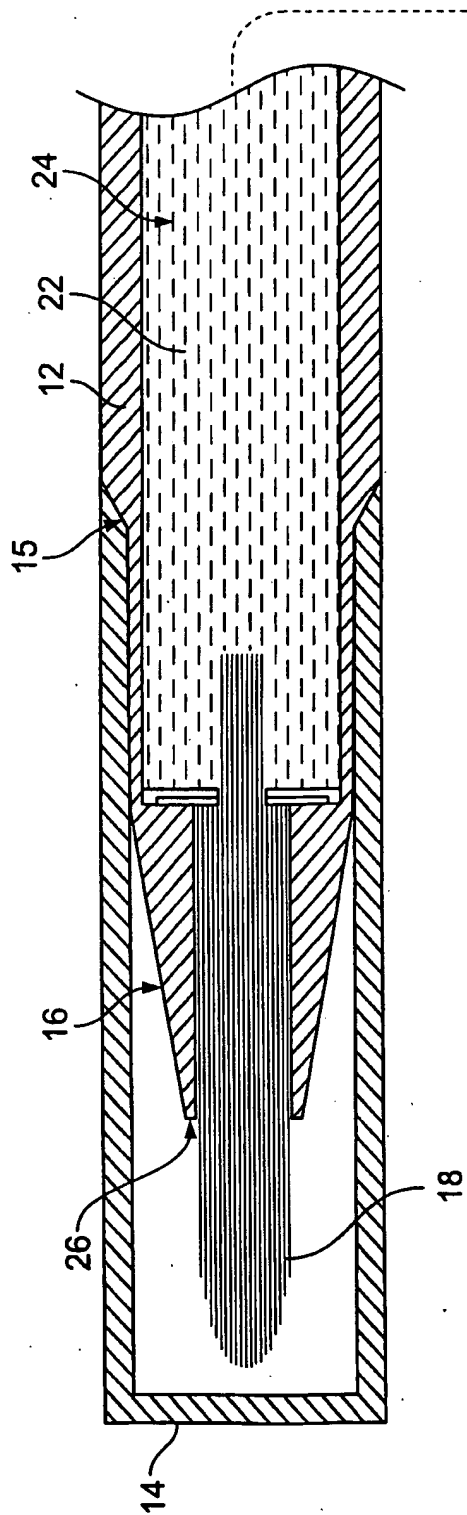


FIG. 2